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AUG 12 2005

PTO FAX NO.: 1-571-273-8300

Atty Docket No. 014210-001310US

ATTENTION: Missing Parts

Group Art Unit

**OFFICIAL COMMUNICATION
FOR THE PERSONAL ATTENTION OF
MISSING PARTS**

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following documents in re Application of BAETSCHER et al., Application No. 10/507,384, filed September 9, 2004 for STEM CELL SELECTION AND DIFFERENTIATION are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Transmittal Letter - Response to Missing Parts
2. Petition for Extension of Time
3. Declaration with Application Data Sheet
4. Power of Attorney and Correspondence Address Indication Form¹
5. Statement Under 37 CFR 3.73(b)
6. Copy of Assignment of Patent Application
7. Copy of Notice of Missing Requirements

Number of pages being transmitted, including this page: 18

Dated: 08/12/05

Stephanie J. Whitehurst

*PLEASE CONFIRM RECEIPT OF THIS PAPER BY
RETURN FACSIMILE AT (415) 576-0300*

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Telephone: 415-576-0200
Fax: 415-576-0300
2665
60562977 v1

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AUG 16 2005

AUG 12 2005

I hereby certify that this correspondence is being sent by facsimile transmission to:

at Fax No.: 1-571-273-8300

On August 12, 2005

~~TOWNSEND and TOWNSEND and CORY LIPSON~~

By: Stephanie J. Whitehurst

PATENT
Attorney Docket No.: 014210-001310US
Client Reference No.: 576

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BAETSCHER et al.

Application No.: 10/507,384

Filed: September 9, 2004

For: STEM CELL SELECTION AND DIFFERENTIATION

Examiner: Not yet assigned

Art Unit: Not yet assigned

**TRANSMITTAL LETTER –
RESPONSE TO NOTICE OF MISSING
PARTS**

Attn: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the Notice to File Missing Parts of Nonprovisional Application, dated April 12, 2005, enclosed are the following to be made of record in the above-identified application:

- 1) Executed Declaration
- 2) Power of Attorney and Certificate of Assignee Under 37 C.F.R. § 3.73(b)
- 3) Petition to Extend Time
- 4) Copy of Notice of Missing Parts

Please charge Deposit Account No. 20-1430 for the following fees:

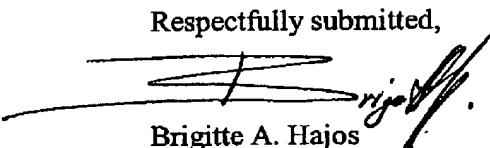
BAETSCHER et al.
Application No.: 10/507,384
Page 2

PATENT

Small Entity:	(a) Filing Fee	\$0
	(b) Search Fee	\$0
	(c) Examination Fee	\$0
	(d) Application Size Fee	\$0
	(e) Excess Claims Fees (§ 1.16(b), (c)):	
	- =	x =
	- =	x =
	(f) Multiple Dependent Claims	
	(g) Missing Parts Surcharge	\$65
	TOTAL FEES TO BE CHARGED	\$65

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 20-1430. This Transmittal Letter is submitted in duplicate.

Respectfully submitted,


Brigitte A. Hajos
Reg. No. 50,971

Customer No. 20350

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415 576-0300
BAH:sjw

60562932 v1

08/19/2005 ATRAN1 00000110 201430 10507384
01 FC:2617 65.00 DA



UNITED STATES PATENT AND TRADEMARK OFFICE

BAETSCHER

cc: DMW

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/507,384	Manfred Baetscher	014210-001310US
INTERNATIONAL APPLICATION NO.		
PCT/US03/08259		
LA. FILING DATE	PRIORITY DATE	
03/12/2003	03/12/2002	

Townsend and Townsend and Crew
 Two Embarcadero Center, 8th Floor
 San Francisco, CA 94111-3834

Response Due 6/12/05
(Sequence 1302)

Date Mailed: 04/12/2005

CONFIRMATION NO. 4001
 371 FORMALITIES LETTER
 OC000000015685724
 OC000000015685724

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/09/2004
- Copy of the International Search Report filed on 09/09/2004
- Information Disclosure Statements filed on 01/07/2005
- U.S. Basic National Fees filed on 09/09/2004
- Priority Documents filed on 09/09/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- \$65 Late oath or declaration Surcharge.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at

63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

TAMALA D HOLLAND

Telephone: (703) 308-9140 EXT 209

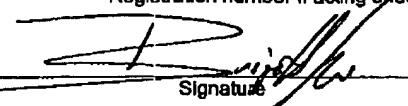
PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/507,384	PCT/US03/08259	014210-001310US

FORM PCT/DO/EO/905 (371 Formalities Notice)

AUG 12 2005

PTO/SB/22 (12-04)

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) 014210-001310US																								
FY 2005 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)																										
Application Number 10/507,384		Filed September 9, 2004																								
For STEM CELL SELECTION AND DIFFERENTIATION																										
Art Unit Not yet assigned		Examiner Not yet assigned																								
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The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):																										
<table> <thead> <tr> <th></th> <th style="text-align: center;"><u>Fee</u></th> <th style="text-align: center;"><u>Small Entity Fee</u></th> <th></th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> One month (37 CFR 1.17(a)(1))</td> <td style="text-align: center;">\$120</td> <td style="text-align: center;">\$60</td> <td>\$ _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))</td> <td style="text-align: center;">\$450</td> <td style="text-align: center;">\$225</td> <td style="text-align: center;">\$ 225</td> </tr> <tr> <td><input type="checkbox"/> Three months (37 CFR 1.17(a)(3))</td> <td style="text-align: center;">\$1020</td> <td style="text-align: center;">\$510</td> <td>\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Four months (37 CFR 1.17(a)(4))</td> <td style="text-align: center;">\$1590</td> <td style="text-align: center;">\$795</td> <td>\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Five months (37 CFR 1.17(a)(5))</td> <td style="text-align: center;">\$2160</td> <td style="text-align: center;">\$1080</td> <td>\$ _____</td> </tr> </tbody> </table>				<u>Fee</u>	<u>Small Entity Fee</u>		<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____	<input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ 225	<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ _____	<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____	<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____
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<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. <input type="checkbox"/> A check in the amount of the fee is enclosed. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>20-1430</u> . I have enclosed a duplicate copy of this sheet.																										
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.																										
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96). <input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>50,971</u> <input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____																										
 Signature		August 12, 2005 Date																								
<u>Brigitte A. Hajos, Reg. No. 50,971</u> Typed or printed name		415-576-0200 Telephone Number																								
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.																										
<input checked="" type="checkbox"/> Total of <u>5</u> forms are submitted.																										

60562940 v1

08/19/2005 ATRAN1 00000110 201430 10507384
 02 FC:2252 225.00 DA



UNITED STATES PATENT AND TRADEMARK OFFICE

BAH/SF

cc: DMW

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

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TAMALA D HOLLAND

Telephone: (703) 308-9140 EXT 209

PART 1 - ATTORNEY/APPLICANT COPY

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10/507,384	PCT/US03/08259	014210-001310US